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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,884	09/18/2001	Brian John Cragun	ROC920010069US1	8260
7590	08/26/2004			EXAMINER
Gero G. McClellan Moser, Patterson & Sheridan, L.L.P. Suite 1500 3040 Post Oak Boulevard Houston, TX 77056-6582			AL HASHMI, SANA A	
			ART UNIT	PAPER NUMBER
			2171	
DATE MAILED: 08/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/954,884	CRAGUN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Sana Al-Hashemi	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 May 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 and 30-40 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-28 and 30-40 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### **DETAILED ACTION**

Claim Status: 1- 28, and 30-40 are rejected. Claim 29 canceled.

Applicant's arguments with respect to claims 1, 10, 18, 26,28, and 35 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10, 18, 26,28, and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Wical US Patent No. 5,953,718 in view of Ripley US Patent No. 6,742,001.

1. Regarding Claims 1, 10, 18, 26,28, and 35, Wical discloses a method for searching electronic documents, comprising:

finding one or more candidate documents based on the search expression (see column 4, lines 56-66, Wical);

calculating a score for each candidate document according to the one or more weight criteria (see column 6, lines 4-21, Wical); and

preparing a list of the one or more candidate documents reflecting the calculated scores (see column 6, lines 32-42, Wical);

receiving a search expression including one or more search terms having one or more weight criteria (see column 5, lines 19-32, Wical). Wical fails to teach the step of designating the score modifier to the user. However, Ripley teaches the step of one or more weight criteria include a user designated score modifier (see Fig. 8A, column 11, lines 33-67, Ripley). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Ripley in Wical which allows the user to set the threshold they prefer to work with and the motivation to do so would be as disclosed by Ripley column 6, lines 50-55.

2. Regarding Claims 2, 11, 19, and 30, the combination of Wical in view of Ripley discloses a method further comprising:

sorting the one or more candidate documents according to the calculate scores (see column 7, lines 53-32, Wical).

3. Regarding Claims 3, 12, 20, and 31, the combination of Wical in view of Ripley discloses a method further comprising:

presenting a subscore for each search term having a weight criterion (see column 9, lines 8-20, Wical<sup>1</sup>).

4. Regarding Claims 4, 13, 21, 32, and 40, the combination of Wical in view of Ripley discloses a method wherein the one or more weight criteria are selected from a location of the

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<sup>1</sup> Examiner interprets the step of generating new set corresponds to subset, since both based on criteria calculation.

one or more search terms, a format of the one or more search terms, and a frequency count of the one or more search terms (see column 11, 16-23, Wical<sup>2</sup>).

5. Regarding Claim 5, 14, 33, and 39, the combination of Wical in view of Ripley discloses a method wherein the one or more weight criteria require that the one or more search terms are located in a section selected from a header section, a caption section, an abstract section, a footnote section, a summary section, and a title section (see column 8, lines 20-30, Wical).

6. Regarding Claims 6, 7, 15, 16, 22, 23, 27, 28, 36, and 37, the combination of Wical in view of Ripley discloses a method wherein the one or more weight criteria require that the one or more search terms have a different format than a common format of a paragraph containing the one or more search terms (see Fig. 10, 735, column 21, lines 23-37, Wical).

7. Regarding Claims 8, 17, and 34, the combination of Wical in view of Ripley discloses a method wherein the one or more weight criteria require that a search term be present in the candidate document at least a minimum number of times (see column 22, lines 46-57, Wical).

8. Regarding Claim 9, the combination of Wical in view of Ripley discloses a method further comprising: sorting the one or more candidate documents according to weight criteria (see column 8, lines 1-7, Wical).

9. Regarding Claim 24, the combination of Wical in view of Ripley discloses a system further comprising a database containing one or more candidate documents (see Fig. 1, 100, Wical).

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<sup>2</sup> Examiner interprets the number of times corresponds to frequency.

10. Regarding Claim 25, the combination of Wical in view of Ripley discloses a system further comprising a network connection with a client computer from which the search expression is received (see column 4, lines 47-53, Wical).

11. Regarding Claim 38, the combination of Wical in view of Ripley discloses a method wherein the formatting attributes include a location of the one or more search terms within -the candidate document (see column 22, lines 23-27, Wical).

***Other Prior Art Made of Record***

1. Wical (US Patent No. 5,953,718) discloses a research mode for a knowledge base search and retrieval system.
2. Durand et al. (US Patent No. 6,272,467) discloses system for data collection and matching compatible profiles.
3. Ponte (US Patent No. 6,353,825) discloses a method and a device for classification using iterative information retrieval techniques.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
August 23, 2004



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100